



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith W. Caruso
Docket: BRI/016
Appl. No.: 10/688,020
Filed: 10/17/2003
Title: "Pyrotechnic Circuit Breaker"
Group/A.U.: 2835
Examiner: Anatoly Vortman

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant comments as follows in response to the Statement of Reasons for Allowance mailed with the Notice of Allowance in this application on August 4, 2006. Applicant stated on the record in the Remarks submitted February 8, 2006 (p.10) its position that the "means for breaking" recited in independent claim 21 covers both the direct pyrotechnic output species and the projectile species. It is reiterated here that this is the plain and correct interpretation of the term. While the Examiner "construed" claim 21 to cover only the projectile species in the April 3, 2006 Office Action, the undersigned understood that to be an imprecise way of saying that was how the scope of examination would be restricted unless and until it was found allowable such that the remaining encompassed species required searching. Indeed, claims 28 and 29 were never rejected for failure to comply with Section 112, as would be the case if claim 21 from which they depended did not even encompass the species recited in claims 28 and 29. It is noted that the Remarks submitted in support of patentability of claim 21 on July 8, 2006 (page 10) incorporated arguments focused on projectile-related issues simply because the Examiner cited prior art having a projectile.

In any event, Applicant authorized the cancellation of claims 28 and 29 to expedite prosecution, and avoid incurring further delay by asserting entitlement to rejoinder of non-elected species claims, since it was believed clear that claim 21's "means for breaking" plainly reads on the non-projectile species and the claim is allowable as such. The undersigned does not believe the German reference cited in the "Substance of Interview" continuation sheet was discussed in the interview, or any other specific non-projectile reference or its application to claim 21. The authorization was not intended as a disclaimer of any claim scope.

Finally, claim 20 and its dependent claims have been canceled without prejudice to the right to prosecute claims to the same or similar subject matter in a divisional or other continuing application.

Respectfully submitted,
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